

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

**WILLIAM ALVIRA RIVERA**  
Debtor

**Case No. 18-00775 MCF**

Chapter 13

**MOTION TO REPLY TO THE TRUSTEE'S  
OBJECTION TO CLAIM # 7 FILED BY COOP A/C AGUAS BUENAS**

TO THE HONORABLE COURT:

**COMES NOW** creditor **COOPERATIVA A/C AGUAS BUENAS** through its legal representation who respectfully prays:

1. Creditor Cooperativa de A/C Aguas Buenas ('Coop') filed a Proof of Claim #7 in the amount of \$36,868.51 on May 13<sup>th</sup>, 2018.

2. On May 17<sup>th</sup>, 2018, the Trustee filed an objection to said claim based on the grounds that the claim was filed after the Deadline for filing proof of claim, pursuant to FBRP 3002(c). (Docket Entry #17)

3. After the passage of the Hurricane Maria, Puerto Rico had a lack of power and phone services, and the eastern area of the island was the most devastated.

4. The electricity service was restored in our office on the 10th of February, but was until the 30th of May that the phone and internet services were restored, situation which preventing creditor from filing a claim due lack of communication with our office.

5. Moreover, aftermath of Hurricane Maria, the postal service was delayed delivering the mail, the recipient received the mail two or three weeks later, so it may justify an extension of time.

6. In the instant case, the Honorable Court fixed the deadline to file a proof of claims on the 27<sup>th</sup> of April, 2018. Coop filed its proof of claim on May 13<sup>th</sup>, 2018 and due to the

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above mentioned was truly impossible to file before the deadline fixed.

7. The BAP left open the issue of whether the bankruptcy court has the discretion to enlarge the time for filing claims due to impossibility like a natural disaster, which would be truly impossible for creditor to file its proof of claim on a timely basis.

8. The bankruptcy court's equitable powers under §105(a) permits the allowance of the claim.

**WHEREFORE** creditor respectfully requests that the Court grant it leave to file its Proof of Claim after bar date, and granting such other further relief as may be just and equitable.

**I HEREBY CERTIFY** that on this same date, I electronically filed the present motion with the Clerk of the Court using CM/ECF System which will send notification to: Ms. Monsita Lecaroz Arribas, Esq., [ustpreregion21.hr.ecf@usdoj.gov](mailto:ustpreregion21.hr.ecf@usdoj.gov); Mr. Alejandro Oliveras Rivera, Esq., Chapter 13 Trustee, [aorecf@ch13sju.com](mailto:aorecf@ch13sju.com); to Mr. Roberto Figueroa Carrasquillo, Esq., [cmecf@rfclawpr.com](mailto:cmecf@rfclawpr.com); and to all other registered CM/ECF participants in the instant case.

In Humacao, Puerto Rico this 12<sup>th</sup> day of July 2018.

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